

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

JANE DOE, et al.

Plaintiffs,

vs.

HOWARD ZUCKER, et al.

Defendants.

Civil Action No.: 1:20 – CV – 0840 (BKS/CFH)

**DECLARATION OF N.C. IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY
INJUNCTION**

N.C., pursuant to 28 U.S.C. § 1746 declares under penalty of perjury as follows:

1. I am the parent of two medically fragile children who both had medical exemptions to vaccines since 2012, and 2014, respectively.

2. I write this affidavit in support of the Plaintiffs' motion for a preliminary injunction and as a potential class member in this suit.

3. My children both suffer from autism and Mitochondrial disease Complex 1 & 4, respectively. My son's mitochondrial disease was proven in 2011 after a biopsy was conducted on his burst appendix. The procedure, testing and results were groundbreaking. The surgeon did not know about Mitochondrial disease and was skeptical that there would be any findings. When the biopsy results came back, he called me himself, apologizing and noting that the results were clear. Now we know exactly what my son's mitochondria look like. They are misshapen, missing cristae, are abnormal in color and there are not enough of them. Every doctor who has seen the

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2 lab results agrees that my son's disease makes him unable to process or filter toxins and antigens,
3 including vaccines. His body must fight hard just to make enough energy to get through the day.
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5 Now sixteen, he is still nonverbal, has food allergies, low muscle tone, apraxia, and
6 encephalopathy. My daughter, now thirteen, suffers from many of the same issues. She was
7 tested via buccal swab and also shown to have mitochondrial disease. Both children's genetic
8 tests further reveal vulnerability including MTHFR mutation.
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10 4. Doctors who normally refuse to even allow patients to remain in their practice
11 unless vaccinated have been writing my children exemptions since 2012 and multiple treating
12 physicians have stressed that it is not safe for my children to receive more vaccines over the
13 years.
14

15 5. From 2012 to 2019, my children have always had medical exemptions accepted
16 by their schools. Please note that my son did not need his first medical exemption until 2014,
17 because he was up to date with vaccines until then. My daughters first medical exemption in
18 2012 was based on my son's biopsy results.

19 6. At the start of the 2019 school year, as usual, we submitted medical exemptions
20 for our children from their pediatrician, a physician licensed to practice medicine in New York
21 and familiar with their health and conditions. As usual, both exemptions were promptly accepted
22 and my children were able to attend school.
23

24 7. In September 2019, our long-time pediatrician moved out of state. She assured us
25 that another doctor in the practice would be able to write the exemption for 2020. After all, two
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2 different physicians in that practice had already written medical exemptions for our children
3 throughout the years and there was no controversy among our treating physicians that our
4 children could not safely handle vaccines.
5

6 8. However, shortly after our pediatrician moved out of state, we were told that our
7 new pediatrician would not only be unwilling to write a medical exemption, but that the practice
8 would not see us anymore because our children were not up to date on vaccines.
9

10 9. We have been patients of this practice for sixteen years, since my oldest was a
11 newborn. This experience was devastating.

12 10. We have spent the last year paying out of pocket to talk to various practitioners
13 who have through the years either written our children medical exemptions or agreed that they
14 need them. In February 2020 I paid out of pocket to return to the doctor who had written a
15 detailed medical exemption for my children in 2015. He unapologetically said that does not write
16 medical exemptions anymore though he agrees that my children cannot be safely vaccinated. We
17 have also been paying out of pocket to see another licensed physician annually since 2007 who
18 has expertise in our children's conditions. She cannot write an exemption for us because she is
19 not licensed in New York State. She told us that none of her New York licensed colleagues
20 would likely write an exemption for us. She said, "after the emergency mandates, which threaten
21 to take a physician's license away, no doctor will chance writing an exemption."
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23
24 11. This year has been the most stressful year of my life. Knowing that the clock is
25 ticking. Knowing that no doctor I have heard of in New York will write exemptions anymore.
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2 The situation feels hopeless.

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4 12. My children have severe, significant special needs and medical conditions. They
5 need school and socialization. My son's individualized education plan cannot be tailored to home
6 based education.

7 13. Children like mine, who have permanent conditions and have had approved
8 medical exemptions for years, now are told they don't qualify anymore under the new impossible
9 mandate. Doctors who have written them in the past are now afraid to stand up and protect their
10 own patients. This has been a horrific nightmare for so many medically fragile children and their
11 families.
12

13 14. Wherefore, I respectfully ask this Court to grant the relief and let our children
14 remain in school this upcoming year pending the outcome of this case.

15 RESPECTFULLY SUBMITTED this ____ day of August 2020
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18 _____
19 N.C.
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